

SENATE BILL 3799

By Marrero B

AN ACT to amend Tennessee Code Annotated, Section 36-4-122, relative to costs in certain domestic relations proceedings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 36-4-122, is amended by deleting the section in its entirety and substituting instead the following:

(a) The court may award attorney's fees and reasonable costs, including but not limited to reasonable and necessary court reporter expenses, investigator fees, expert witness fees, and deposition costs, against either party, and may award execution for the same, or, in case any estate is sequestered, or in the power of the court, or in the hands of a receiver, it may order the costs to be paid out of such property.

(b) The court shall issue a written order awarding the fees and costs described in subsection (a) of this section. Either party may challenge the equitable distribution of the court's award by filing a motion to reconsider the award in the trial court within seven (7) days from the date of the court's order. At a hearing on such motion, both parties shall be allowed to present evidence, including but not limited to, evidence showing the ability of each party to pay such award.

SECTION 2. This act shall take effect July 1, 2008, the public welfare requiring it.